

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	2:10-cr-364-LRH-RJJ
vs.	)	
	)	<b>O R D E R</b>
CODY SWAIN,	)	
	)	
Defendant.	)	
	)	
_____	)	

On August 11, 2010, this matter came before the Court on the government's petition for action on conditions of pretrial release (#9). The defendant was present, in custody, with his counsel. The Court has considered the information and evidence offered by the government and by the defendant, and finds as follows:

1. There is clear and convincing evidence that defendant has violated every condition of release ordered by the Court, including most notably that he deliberately failed to report to the half-way house immediately upon his release from custody, and was an absconder until he was arrested six days later by Metro.

2. He has offered no legitimate excuse for this conduct.

3. Given the defendant's prior criminal history and blatant disregard for this Court's Order, the Court finds the defendant is unlikely to abide by any condition of release.

**IT IS THEREFORE ORDERED** the government's motion to revoke

pre-trial release is granted.

**IT IS FURTHER ORDERED** pursuant to the provisions of 18 U.S.C. § 3148(b) that the release order heretofore entered on **July 21, 2010** is hereby revoked.

**IT IS FURTHER ORDERED** that the defendant shall be remanded to the custody of the U.S. Marshal and detained pending trial.

DATED this 11<sup>th</sup> day of August, 2010.

A handwritten signature in blue ink, appearing to read "L. Leavitt", with a horizontal line extending from the end of the signature.

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**LAWRENCE R. LEAVITT**  
**UNITED STATES MAGISTRATE JUDGE**